

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

V.

TIMOTHY RINEHART

INDICTMENT

No.

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
MAR 13 2013
CLERK, U.S. DISTRICT COURT
By _____ Deputy *[Signature]*

The Grand Jury Charges:

3 - 13 CR - 091 - B

Count One

**Production of Child Pornography
(Violation of 18 U.S.C. § 2251(a))**

On or about April 22, 2012, in the Dallas Division of the Northern District of Texas, and elsewhere, **Timothy Rinehart**, defendant, used, persuaded, induced, and enticed, John Doe, a person under the age of eighteen (18) years, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, which were produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, by using an Apple iPhone, to create visual depictions of John Doe, a minor who was then four-years-old, depicting the lascivious exhibition of the genitals and pubic area of John Doe, as defined in 18 U.S.C. § 2256, including the following:

File Name	Description
IMG_0004.JPG	A still color image file depicting a naked prepubescent boy-John Doe. The boy is on his knees and elbows, with his face turned towards the camera. The image is focused on the anus and genitals of the boy. He is on what appears to be a dark-colored bedspread.

Prior to April 22, 2012, **Timothy Rinehart** was convicted on August 15, 2006, in federal district court in the Eastern District of Texas for the federal felony offense of Possession of Child Pornography in cause number: 6:04-cr-00082; in violation of 18 U.S.C. § 2252(a)(5)(B) and 2252A(b)(2).

In violation of 18 U.S.C. §§ 2251(a) and 2251(e).

Count TwoAttempted Transportation of Child Pornography
(Violation of 18 U.S.C. § 2252A(a)(1))

On or about May 28, 2012, in the Dallas Division of the Northern District of Texas, the defendant **Timothy Rinehart**, knowingly transported, shipped and attempted to transport and ship, child pornography using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, by using the Internet and file-sharing software to share and transmit files depicting minors engaged in sexually explicit conduct, and of the lewd and lascivious exhibition of the genitals and pubic area of minors, as defined in Title 18 U.S.C. § 2256, by placing the following images in his shared folder on a peer-to-peer network:

File Name:	Description:
169.JPG	Image file depicting a nude minor boy anally penetrated by another nude male.
078 Vitalik and Yurik.JPG	Image file depicting two naked minor boys on a red rug. Each boy has his penis in the other's mouth.
1492.jpg	Lewd and lascivious image file depicting a nude minor boy exposing his genitals while sitting down. He is tied with a rope around his body and the chair.
19.jpg	Image file depicting a nude minor boy straddling a male. The male's penis is penetrating the boy's anus.
tiny suck.jpg	Image file depicting a nude minor boy from the waist to his thighs. The boy's penis is inside another male's mouth.

Prior to May 28, 2012, **Timothy Rinehart** was convicted on August 15, 2006, in federal district court in the Eastern District of Texas for the federal felony offense of Possession of Child Pornography in cause number, 6:04-cr-00082; in violation of 18 U.S.C. § 2252(a)(5)(B) and 2252A(b)(2).

In violation of 18 U.S.C. §§ 2252A(a)(1) and 2252A(b)(1).

Count Three
Transportation of Child Pornography
 (Violation of 18 U.S.C. § 2252A(a)(1))

On or about May 6, 2012, in the Dallas Division of the Northern District of Texas, the defendant **Timothy Rinehart**, knowingly transported, shipped and attempted to transport and ship, child pornography using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, by using an online file-transfer website to transmit the files depicting minors engaged in sexually explicit conduct, and of the lewd and lascivious exhibition of the genitals and pubic area of minors, as defined in Title 18 U.S.C. § 2256, by sending the files by online file-transfer website:

File Name:	Description:
jpp-zm05.jpg	Lewd and lascivious black and white image file depicting a nude minor boy squatting down exposing his genitals.
jpp-zm06.jpg	Lewd and lascivious black and white image file depicting nude minor female from the waist down with her legs in the air exposing her genitals
jpp-zm20.jpg	Lewd and lascivious black and white image file depicting a minor boy lying on his back with his knees in the air exposing his genitals.
jpp-zm27.jpg	Lewd and lascivious black and white image file depicting a two nude minor boys holding each others' penises and touching them together.
jpp-zm35.jpg	Lewd and lascivious black and white image file of a nude minor boy and nude female

	lying down and female is touching his penis.
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Prior to May 6, 2012, **Timothy Rinehart** was convicted on August 15, 2006, in the Eastern District of Texas for the federal felony offense of Possession of Child Pornography in cause number: 6:04-cr-00082; in violation of 18 U.S.C. § 2252(a)(5)(B) and 2252A(b)(2).

In violation of 18 U.S.C. §§ 2252A(a)(1) and 2252A(b)(1).

Count Four:
Possession of Child Pornography
 (Violation of 18 U.S.C. § 2252(a)(4))

On or about October 5, 2012, in the Dallas Division of the Northern District of Texas, the defendant, **Timothy Rinehart**, knowingly possessed matter that contained visual depictions that had been shipped and transported using the internet, which is a means and facility of interstate and foreign commerce, and which was produced using materials that had been mailed, shipped, and transported; and the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct, and the visual depictions are of such conduct.

Included among the images possessed by **Rinehart** on his iPhone, were the following three described still images visually depicting minors engaged in sexually explicit conduct and the lascivious exhibition of the genitals and pubic area of said minors, as defined in 18 U.S.C. § 2256(8)(A):

File name:	Description of image
! 2.rar_embedded_1.jpg	Image file depicting a male with a striped shirt on placing his penis on the anus of a minor boy with a red shirt on
00002_.rar_embedded_3.jpg	Lewd and lascivious image file depicting a nude boy lying down with his legs spread and his arms over his head exposing his genitals.
00002_.rar_embedded_5.jpg	Lewd and lascivious image file depicting a nude boy holding his exposed genitals.

Prior to October 5, 2012, **Timothy Rinehart** was convicted on August 15, 2006, in the Eastern District of Texas for the federal felony offense of Possession of Child Pornography in cause number: 6:04-cr-00082; in violation of 18 U.S.C. § 2252(a)(5)(B) and 2252A(b)(2).

In violation of 18 U.S.C. §§ 2252(a)(4) and 2252(b)(1).

Count Five
 Possession of Child Pornography
 (Violation of 18 U.S.C. § 2252(a)(4))

On or about October 5, 2012, in the Dallas Division of the Northern District of Texas, the defendant, **Timothy Rinehart**, knowingly possessed matter that contained visual depictions that had been shipped and transported using the internet, which is a means and facility of interstate and foreign commerce, and which was produced using materials that had been mailed, shipped, and transported; and the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct, and the visual depictions are of such conduct.

Included among the images possessed by **Rinehart** on his Western Digital external hard drive, were the following described still images and video visually depicting a minor engaged in sexually explicit conduct and the lascivious exhibition of the genitals and pubic area of said minor, as defined in 18 U.S.C. § 2256(8)(A):

<u>File name:</u>	<u>Description of image</u>
IMG_0046.JPG	Lewd and lascivious image file depicting a nude prepubescent boy lying on his back holding a grey object on his penis with his hand.
IMG_0059.JPG	Image file depicting the genitals of a minor who is holding a grey object on his penis with his hand. A male is penetrating the boy's anus with his penis.

IMG_0048.JPG	Lewd and lascivious image file depicting a prepubescent boy from his belly button to his thighs.
IMG254.JPG	Lewd and lascivious image file depicting a nude prepubescent boy from the waist to his genitals.
IMG258.JPG	Lewd and lascivious image file depicting a nude prepubescent boy from the neck to his knees. He is lying down with his arms over his head and his genitals are exposed.
IMG_0005.JPG	Image file depicting a nude minor boy from behind. A male is penetrating his anus with his penis.
MOV059.MP4.3gpp	Video depicting a nude prepubescent boy. A male with facial hair rubs the boy's penis, penetrates the boy's anus with his finger, and places his mouth on the boy's penis.

Prior to October 5, 2012, **Timothy Rinehart** was convicted on August 15, 2006, in the Eastern District of Texas for the federal felony offense of Possession of Child Pornography in cause number, 6:04-cr-00082; in violation of 18 U.S.C. § 2252(a)(5)(B) and 2252A(b)(2).

In violation of 18 U.S.C. §§ 2252(a)(4) and 2252(b)(1).

Forfeiture Notice
(18 U.S.C. § 2253)

Upon conviction of any of the offenses alleged in Counts One through Five and pursuant to 18 U.S.C. § 2253(a), defendant **Timothy Rinehart** shall forfeit to the United States of America (a) any visual depiction described in 18 U.S.C. § 2252 and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in the respective offense; (b) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the respective offense; and any property, real or personal, used or intended to be used to commit or to promote the commission of the respective offense and any property traceable to such property.

The above-referenced property subject to forfeiture from the previously-mentioned defendant includes, but is not limited to, any interest in the following:

1. Western Digital external hard drive, s/n WNXN08NM0863;
2. Apple 3G iPhone, Model A1241, s/n 868492H9Y7H;
3. Dell Latitude laptop D400 no visible s/n;
4. NEC cell phone s/n: KMPGJ1F1 -1A;
5. Palm Sprint cell phone no visible s/n;
6. LG cell phone s/n 507KPAE0174752;
7. HP Pavilion Media Center s/n MXX63105CF;
8. Compaq tower s/n CNH7470SBG;
9. Lenovo laptop G575 s/n CB11482523;
10. IBM Thinkpad s/n 78-WKX06;
11. Dell Inspiron 3200 laptop s/n F3YGL;
12. Dell Inspiron 3800 laptop s/n 1TWL401;
13. Sony Vaio laptop s/n C100D6LH;
14. Western Digital hard drive s/n WMARW07290174;
15. Maxtor hard drive s/n F80A2S4A;

16. Western Digital hard drive no s/n part number 296012-001.

In violation of 18 U.S.C. § 2253.

A TRUE BILL

Beth J. Bowman
FOREPERSON

SARAH R. SALDAÑA
UNITED STATES ATTORNEY

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DALLAS DIVISION

THE UNITED STATES OF AMERICA

VS.

TIMOTHY RINEHART

INDICTMENT

18 U.S.C. § 2251(a)
Production of Child Pornography

18 U.S.C. § 2252A(a)(1)
Attempted Transportation of Child Pornography

18 U.S.C. § 2252A(a)(1)
Transportation of Child Pornography

18 U.S.C. § 2252(a)(4)
Possession of Child Pornography
(5 COUNTS)

18 U.S.C. § 2253
Notice of Forfeiture

A true bill rendered:

Bruce L. Brown

FORT WORTH

FOREPERSON

Filed in open court this 13th day of March, A.D., 2013.

Warrant to Issue (Dallas County Custody)

Terry R. Means
U.S. DISTRICT COURT JUDGE
(Magistrate Court Number: n/a)